

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (TPO)

REF NO: AW/234/19/T

LOCATION: 74 Barrack Lane
Bognor Regis
PO21 4DE

PROPOSAL:

- T5 Reduce back selected branches of Hornbeam on southern aspect, to achieve maximum 2metres clearance from neighbouring built structure. Crown lift over garden to achieve maximum of 4 metres overhead clearance.
- T10 Crown lift of Beech tree to maximum of 5 metres overhead clearance above driveways, 6metres overhead clearance above carriageway 3metres overhead clearance on all other aspects if required.
- T11 T12 Crown lift to maximum of 6 metres overhead clearance above carriageway 4 metres overhead clearance above garden to 2No. Hornbeams
- T6 Removal of 1No. Willow tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located on the grounds of 74 Barrack Lane.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

BR/263/80/T	Fell One Macrocarpa Tree	Withdrawn 16-04-80
AW/156/12/T	Reduce height of 1 no. Weeping Willow tree & cut out dead branches	
AW/157/12/T	2m Crown Lift to 1 Sycamore tree, 2 no. Hornbeam trees 2m Crown Lift over garden and 4m overhanging highway and driveway, Willow tree Crown Reduction of between 2m-3m and a Crown Raise of 2m, 2m Crown Reduction and 4m Crown Lift of branches overhanging the highway to 1 Beech tree.	ApproveConditionally 13-09-12

AW/139/97/T	Crown thin and tidy one Silver Birch, dead wood and tidy one Apple Tree and two Hawthorns	ApproveConditionally 03-10-97
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AW/100/94/T	Lopping of 2 Hawthorn, 1 Beech and 2 Hornbeam trees	ApproveConditionally 26-09-94
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Relevant site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

No Objections

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

T5 - Tight linear group of 6 hornbeam stems, dominated by stand-out specimen (dbh reading approximately 850mm). Visible from neighbouring property but only with difficulty from publicly accessible land. With the exception of one dead stem at the south end of the group, they present as being in fine physiological state and structurally sound. Applicant seeks to achieve clearance of adjacent property and own garden although work specification is open to interpretation and requires clarification (see advisory comments).

T6 - Although appears to be in a fine physiologically state, stem and limb framework displays evidence of historic and recent large part failures. This has left the tree with an unbalanced form and ongoing concern for its structural integrity. It is visible from neighbouring property and in part from publicly accessible land. Although not obviously presenting 'immediate threat of harm' at this time, it is unviable for safe long-term retention at present dimensions and its visual amenity has been severely diminished.

T10 - A large and prominent roadside tree in a fair physiological state with an attractive crown profile. It has high public amenity value. Only moderate crown density suggests this tree may be under some stress and so any management will need to be sensitive to this tree's age and inherent low tolerance of hard pruning. Low growth is potentially problematic and there is scope for pruning to provide long-term clearance. The height and lateral extent of the crown does not appear to present any obvious problem. Crown reduction has not been justified.

T11 & T12 - Tight linear group of 4 hornbeam stems, dominated by two stand-out specimens (dbh readings approximately 750mm). Visible from numerous properties and clearly from public highway (footway and carriageway). They present as being in fine physiological state and structurally sound. Applicant seeks to achieve adequate clearance of adjacent road and own garden although work specification is open to interpretation and requires clarification (see advisory comments).

Conclusions:

The majority of work proposed is justified on arboricultural grounds, however there is some ambiguity in some of the work specification which must be removed before we can be confident of granting consent for an appropriate extent of work on trees of high amenity value. T10, T11 and T12 are high profile specimen trees of significant public and visual amenity and are to be carefully pruned to maintain reasonable enjoyment of residential property and with respect for natural tree form.

Recommendations:

As it stands, I recommend REFUSAL for this application.

Advisory:

I would like to see the applicant submit a revised work specification such as detailed below, which would seem to address their concerns whilst securing the tree's landscape and public amenity value:

T5 hornbeam

Reduce back selected branches on southern aspect, to achieve a maximum of 2metres clearance from neighbouring built structure (dwelling and verandah).

Crown lift (removal of low branches) over applicant's garden to achieve a maximum of 4metres overhead clearance.

T10 beech

Crown lift (removal of low branches) to achieve a maximum of; 5metres overhead clearance above driveways, 6metres overhead clearance above carriageway (public highway), 3metres overhead clearance on all other aspects if required.

T11 & T12 hornbeam

Crown lift (removal of low branches) to achieve a maximum of; 6metres overhead clearance above carriageway (public highway), 4metres overhead clearance above applicant's garden.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Pagham Harbour Zone B
Tree Preservation Orders
Area of Character

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Following the comments from the Tree Officer, it is recommended consent be approved, subject to the following conditions and informatives

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 · If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL subject to the following conditions:
Condition to Be Applied to All Approved Works: -

Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010

Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

The long-term vitality of trees (T5, T10, T11 and T12) is best respected when significant pruning work such as proposed, is undertaken during the late-spring to summer period (May to August) or mid-winter (late-December to early-February) periods. The work must only be undertaken during these periods.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice

- 2 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 3 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.